IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1639 of 2001 (S/S)
(Old No. 25745/1999)

1. Aneesh, S/o Sri Chunnu
   R/o Lakari Paro Momin Nagar
   District Kotdwar.
2. Upendra, S/o Sri Darbari
   R/o Ratanpur, District-Kotdwar
3. Sita Ram, S/o Sri Charan Singh
   R/o Village Taharpur, Tehsil-Ghazipur
   District-Bijnore. ……Petitioners

Versus

1. Union of India through its Secretary
   Department of Defence
   Central Secretariat, New Delhi.
2. General Manager
   Bharat Electronics Ltd., Kotdwar.
3. Divisional Manager (Finance & Audit)
   Bharat Electronics Ltd., Kotdwar.
4. Manager, Common Production Services
   Bharat Electronics Ltd, Kotdwar.

……...Respondents.

Shri Abdul Wahid, learned counsel for the petitioners.
Learned Standing Counsel for the respondents.

Hon'ble Prafulla C. Pant, J

Learned counsel for the parties are present.

2. Heard.

3. The petitioners, who were engaged as Cycle Trolly Man between 1989-1993, have challenged their termination from service and have sought regularization in service. Since they were not holding any post with the employer-Bharat Electronics Limited, rather they appear to be engaged on casual basis, there does not appear to be any violation of their right. In the counter affidavit, filed on behalf of Bharat Electronics Ltd, it has been stated that the

petitioners were not employees of the company. Rather their services were taken on hire basis for shifting of material, as and when required.

4. In view of the principal of law laid down in ***Secretary, State of Karnataka Vs. Uma Devi, reported in (2006) 4 Supreme Court Cases, Pg. 01,*** wherein it has been held that the workers on daily wages or the persons who get employed without undergoing regular selection process, should not be permitted to be absorbed or regularised against the constitutional scheme of public employment, this Court is not inclined to issue direction to regularize services of the petitioners as such, the petition is liable to be dismissed.

5. The writ petition is dismissed. Interim order, if any, stands vacated. (All pending applications also stand disposed of).

Dt. 30.11.2006 **(Prafulla C. Pant, J.)**

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Writ Petition No. 1639 (S/S) of 2001
(Old No. 25745/1999)

Hon'ble P.C. Pant. J.
(Recall/Restoration App. No. 13948 of 2006)

This is application for restoration of writ petition No. 1639 of 2001 (S/S), which appears to have been dismissed as infructuous on 27-02-2006.

Learned Judge, while dismissing the petition also gave liberty to the petitioners to get the order recalled.

In the circumstances, the application is allowed.

The writ petition is restored.

List in the week commencing 27-11-2006.

(P.C. Pant, J.)

Dt: 18/11/06
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